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11 Attorneys for Plaintiff  
12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 FACEBOOK, INC.,

18 Plaintiff,

19 v.

20 POWER VENTURES, INC., a Cayman Island  
21 corporation; STEVE VACHANI, an individual;  
22 DOE 1 d/b/a POWER.COM, DOES 2-25,  
inclusive,

23 Defendants.  
24  
25  
26  
27  
28

Case No. 5:08-cv-05780 LHK (JCS)

**PERMANENT INJUNCTION AND  
[PROPOSED] ORDER**

PERMANENT INJUNCTION AND [PROPOSED]  
ORDER  
5:08-cv-05780 LHK (JCS)

1 This Permanent Injunction and [Proposed] Order is entered pursuant to Rule 65 of the  
 2 Federal Rules of Civil Procedure by the Court enjoining Defendants Power Ventures, Inc. and  
 3 Steve Vachani, and all persons described in Federal Rule of Civil Procedure 65(d)(2), from  
 4 further activities in violation of the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030,  
 5 California Penal Code section 502, and the Controlling the Assault of Non-Solicited Pornography  
 6 and Marketing Act (“CAN-SPAM Act”), 15 U.S.C. §§ 7701.

7 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

8 1. This is an action by Facebook and under the CAN-SPAM Act, 15 U.S.C. §  
 9 7706(g), the CFAA, 18 U.S.C. § 1030, and California Penal Code § 502. Facebook has standing  
 10 to obtain the relief herein.

11 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
 12 1337(a).

13 3. Venue is proper in this district under 28 U.S.C. § 1391(b).

14 4. On February 16, 2012, the Court entered summary judgment of liability on behalf  
 15 of Facebook and against Power Ventures, Inc. and Steven Vachani (“Defendants”) on Facebook’s  
 16 claims for violations of the CAN-SPAM Act, the CFAA, and California Penal Code § 502. (Dkt.  
 17 No. 275). Facebook is entitled to permanent injunctive relief pursuant to 15 U.S.C. § 7706(g)(1),  
 18 18 U.S.C. § 1030(g), California Penal Code § 502(e)(1), and Rule 65 of the Federal Rules of Civil  
 19 Procedure.

20 5. The record demonstrates that there is a reasonable likelihood of future violations  
 21 of the CAN-SPAM Act, the CFAA, and California Penal Code § 502(e)(1) by Defendants.

22 6. Facebook will be irreparably harmed if Defendants are not permanently enjoined  
 23 from violating the CAN-SPAM Act, the CFAA, and California Penal Code § 502, because  
 24 Defendants’ violations of law injure Facebook’s goodwill and compromise the security of  
 25 Facebook-user data. There is no available remedy at law that can remediate such injuries.

26 7. The balance of hardships between the parties weighs in favor of an injunction  
 27 because Facebook will suffer much greater harm if no Permanent Injunction is entered than  
 28

1 Defendants will suffer from the entry of the Permanent Injunction, particularly since Defendants'  
2 conduct, if permitted to continue, is violative of federal law and deceptive in nature.

3 8. The public interest will be served through the entry of this Permanent Injunction,  
4 especially since the laws that have been violated by Defendants are intended to protect the public  
5 from unwanted spam electronic mail messages and deceptive practices aimed at computer users.

6 **PERMANENT INJUNCTION**

7 **IT IS HEREBY ORDERED** that:

8 1. Defendants, their agents, officers, contractors, directors, shareholders, employees,  
9 subsidiary companies or entities, affiliated or related companies and entities, assignees, and  
10 successors-in-interest, and those in active concert or participation with them, are permanently  
11 enjoined from:

12 A. Sending, or assisting others in the sending of, or procuring the sending of  
13 unauthorized or unsolicited commercial electronic text messages to users of the Facebook  
14 website, [www.facebook.com](http://www.facebook.com), or via the Facebook website or service.

15 B. Making, or assisting others in making, any false or misleading oral or written  
16 statement or representation of material fact when advertising, promoting, or selling any good or  
17 service, including, but not limited to any false or misleading statement or representation that  
18 Defendants, their representatives, or any other person is affiliated or associated with, under  
19 contract with, acting in partnership with, endorsed or approved by, or otherwise connected to  
20 Facebook or to a service offered by Facebook.

21 C. Accessing or using, or directing, aiding, facilitating, causing, or conspiring with  
22 others to use or access the Facebook website or servers for any purpose, without Facebook's prior  
23 permission.

24 D. Using any data, including without limitation Facebook-user data and data  
25 regarding Facebook's website or computer networks, obtained as a result of the unlawful conduct  
26 alleged in the operative complaint in this action.

1 E. Developing, using, selling, offering for sale, or distributing, or directing, aiding, or  
 2 conspiring with others to develop, sell, offer for sale, or distribute, any software that allows the  
 3 user to engage in the unlawful conduct alleged in the operative complaint in this action.

4 2. Defendants and their agents, officers, contractors, directors, shareholders,  
 5 employees, subsidiary companies or entities, affiliated or related companies and entities,  
 6 assignees, and successors-in-interest, and those in active concert or participation with them shall  
 7 destroy any software, script(s), or code designed to access or interact with the Facebook website,  
 8 Facebook users, or the Facebook service.

9 3. Defendants and their agents, officers, contractors, directors, shareholders,  
 10 employees, subsidiary companies or entities, affiliated or related companies and entities,  
 11 assignees, and successors-in-interest, and those in active concert or participation with them shall  
 12 destroy Facebook data and/or information obtained from Facebook or Facebook's users, or  
 13 anything derived from such data and/or information.

14 4. Within three (3) calendar days of entry of this Permanent Injunction and  
 15 [Proposed] Order, Defendants shall notify their current and former officers, agents, servants,  
 16 employees, successors, and assigns, and any persons acting in concert or participation with them  
 17 of this Permanent Injunction.

18 5. Within seven (7) calendar days of entry of this Permanent Injunction and  
 19 [Proposed] Order, Defendants shall certify in writing, under penalty of perjury, that they have  
 20 complied with the provisions of this [Proposed] Order.

21 6. The Court shall continue to retain jurisdiction over the parties to this case for the  
 22 purpose of enforcing this Permanent Injunction and [Proposed] Order.

23 **IT IS SO ORDERED.**

24 Dated:

25 By: \_\_\_\_\_  
 26 Honorable Lucy H. Koh  
 27 United States District Court Judge  
 28

**CERTIFICATE OF SERVICE**

I hereby certify that the document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants as follows:

By transmitting via electronic mail to the email addresses set forth below before 5:30 p.m. on August 2, 2013.

**Steven Vachani (*Pro Per*)**  
Email: [vachani@yahoo.com](mailto:vachani@yahoo.com)  
2425B Channing, #216  
Berkeley, CA 94704  
Tel: (917) 267-8823

Dated: August 2, 2013

/s/ Morvarid Metanat  
Morvarid Metanat